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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,905	01/04/2002	Blake L. Reynolds	8614.61	8720

  

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KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111		

  

EXAMINER	
KARMIS, STEFANOS	

  

ART UNIT	PAPER NUMBER
3693	

  

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11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/039,905

Applicant(s)

REYNOLDS, BLAKE L.

Examiner

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 20 August 2007.

#### ***Status of Claims***

2. Claim 2 is currently amended. Claims 1 and 3-12 are previously presented. Claims 13-23 are cancelled. Therefore claims 1-12 are currently pending.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Land et al. (hereinafter Land) U.S. Patent 6,807,533 in further view of Siegel et al. (hereinafter Siegel) U.S. Publication 2002/0046049.

Regarding independent claim 11, Land teaches a method for encouraging the presentation of a series of unpaid debts by credit officers. Land teaches that credit officers work delinquent accounts themselves and in various instances place them with outside collection agencies (column 13, lines 13-24). As an incentive, Land teaches that the ability of the credit officer to

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work delinquent accounts is put on their yearly performance evaluation (column 11, lines 53-60; Examiner notes that obtaining a good performance evaluation can be considered to be a non-monetary incentive rewarded to the credit officer). Siegel teaches debt collection techniques wherein customer service representatives receive non-monetary awards include performance awards (page 3, paragraph 0043). It would have been obvious to anyone of ordinary skill in the art at the time of the Applicant's invention to modify the incentive teachings of Land and include the performance awards teachings of Siegel because Land teaches that the credit officers have performance evaluations and the credit officers receive incentives and achieving a higher performance evaluation is desirable to employees.

Claim 12, Land teaches that the credit officers are designated credit officers that specialize in debt collection techniques (column 11, lines 61 thru column 12, line 18 and column 13, line1-9). Siegel also teaches that the Customer Service Representatives are employed specifically for debt collection procedures (page 1, paragraph 0003):

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Land et al. (hereinafter Land) U.S. Patent 6,807,533 in further view of Siegel et al. (hereinafter Siegel) U.S. Publication 2002/0046049 in further view of Shumway U.S. Publication 2003/0018574.

Regarding independent claim 1, Land teaches a method for encouraging the presentation of a series of unpaid debts by credit officers. Land teaches that credit officers work delinquent accounts themselves and in various instances place them with outside collection agencies

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(column 13, lines 13-24). Land teaches performing one or more debt collection procedures to collect at least a portion of the unpaid debt (column 11, line 61 thru column 12, line 65); and selectively apportioning the portion of the unpaid debt that has been collected (column 11, lines 53-60 and column 13, lines 13-24). As an incentive, Land teaches that the ability of the credit officer to work delinquent accounts is put on their yearly performance evaluation (column 11, lines 53-60; Examiner notes that obtaining a good performance evaluation can be considered to be a non-monetary incentive rewarded to the credit officer). Siegel teaches debt collection techniques wherein customer service representatives receive non-monetary awards include performance awards (page 3, paragraph 0043). It would have been obvious to anyone or ordinary skill in the art at the time of the Applicant's invention to modify the incentive teachings of Land and include the performance awards teachings of Siegel because Land teaches that the credit officers have performance evaluations and the credit officers receive incentives and achieving a higher performance evaluation is desirable to employees. Land and Siegel teach that the reward provided to the credit officers and CSR are provided by the business who hired them. Land and Siegel fail to teach that the reward is provided by the collection agency to encourage giving them business. Shumway teaches a debt collection technique in which creditors contract with debt collectors to collect unpaid debts (column 2, paragraph 0021). Shumway further teaches that the debt collectors can provide monetary incentives such as discount pricing to encourage multiple collections being sent to the debt collector (page 2, paragraph 0022). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the non-monetary incentive being provided by the business employing the credit officers as taught by Land in view of Siegel to include an incentive

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provided by the debt collector as taught by Shumway because it still encourages the credit officers to forward more debts to the debt collectors for collection.

Claim 2, Land teaches step for determining whether to allocate the reward comprises steps for: determining eligibility for receipt of the reward (targets); and if eligibility exists, allocating the reward (column 11, lines 53-60). Siegel also teaches debt collection techniques wherein customer service representatives are eligible receive non-monetary awards including performance awards for debt collection (page 3, paragraph 0043).

Claim 3, Land teaches that the credit officers are designated credit officers that specialize in debt collection techniques (column 11, lines 61 thru column 12, line 18 and column 13, line 1-9). Siegel also teaches that the Customer Service Representatives are employed specifically for debt collection procedures (page 1, paragraph 0003).

Claims 4, Land teaches that the credit officers are designated and have expertise in collection (column 11, lines 61 thru column 12, line 18). Land also teaches that credit officers have certain authorization, which allows them to perform certain financial transactions (column 7, lines 57 thru column 8, line 39). Official Notice is taken that certification is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Land and include certifying the credit officers because it verifies their expertise and Land already teaches that the credit officers have certain authorization, are designated and have expertise in collections.

Claim 5, wherein a computer device is employed to perform at least one of the steps for receiving the request, wherein the request is an electronic request; and providing the education (column 11, line 61 thru column 12, line 36 and Figures 9 and 16-20).

Claims 6, Land teaches providing an incentive to the credit officer. Land fails to teach that the reward includes credit for use in obtaining a good or service. Siegel teaches that a customer service representative managing a debt account accumulates points, which are used in a report and allow for incentives and rewards (page 4, paragraph 0046-0047). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the incentive teachings of Land and include the reward credit teachings of Siegel because it provides another type of incentive by allowing the user to build up points for a good or service still designed to encourage the collection of unpaid debts.

Claim 7, Land in view of Siegel fails to teach that the reward credit includes frequent flyer miles. Official Notice is taken that frequent flyer miles are old and well known in the financial arts as a reward. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Land in view of Siegel and include frequent flyer miles as an incentive because it's a common reward desired by users in financial transactions, such as credit card transactions.

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Claim 8, Land teaches selectively apportioning by the targets imposed on credit officers for collections as a percent to available receivables (column 11, lines 45-60). Land also teaches identifying a collection entity's amount, which is the total receivable for the credit officer's fees are taken (column 11, line 45-60).

Claims 9 and 10, Land teaches the use of "dunning" letters (column 12, lines 19-47). Land fails to teach subtracting a payment for letter writing vouchers from the debt owner's amount prior to providing the debt owner's amount to the service provider whom the unpaid debt is owed, wherein the vouchers comprise a minimum number to purchase. It would have been obvious to one of ordinary skill in the art that the teachings of Land could be modified to include charging for the dunning letters because they are part of the debt collection procedures and Land already teaches apportioning the payment.

### ***Response to Arguments***

6. Applicant's arguments filed 20 August 2007 have been fully considered but they are not persuasive.

7. Regarding claims 11 and 12, Applicant argues that Land in view of Siegel fails to teach certifying an individual to receive a reward for providing at least one in a series of unpaid debts to a collection agency because there is no teaching of certification.

The Examiner respectfully disagrees. First, claims 11 fails to teach what the individual is being certified for and what is being certified. For interpretation purposes, as long as the



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individual can receive a reward for providing at least one in a series of unpaid debts to a collection agency, then the individual is deemed to be certified. For instance, being an employee who performs the work, certifies the individual to receive the award. Claim 11 does not provide any clarification to one of ordinary skill in the art in what manner the individual is certified.

Land teaches that the credit officers are designated to work on collection activities (column 11, line 17 and column 11, lines 61-65). Further, Land teaches that the credit officers receive non-monetary incentives, such as the employees yearly performance evaluation (column 11, lines 53-60). Therefore, Land teaches that credit officers are certified to receive non monetary incentives. Siegel teaches debt collection techniques wherein customer service representatives receive non-monetary awards include performance awards by CSR (page 3, paragraph 0043). Siegel teaches that the CSR are certified in that the CSRs are employed by banks and other companies to handle inquiries by account holders that act on behalf of an account holding or other institution (page 1, paragraph 0003 and page 2, paragraph 0028). Therefore the CSRs are certified to receive non monetary incentives.

For these reasons, Applicant's arguments regarding claims 11 and 12 are not persuasive and thus claims 11 and 12 stand rejected.

8. Regarding claims 1-10, Applicant argues that Land in view of Siegel in further view of Shumway fails to teach the collection agency rewarding the business providing the unpaid debt, wherein the reward given to the business from the collection agency includes a non-monetary incentive to forward more unpaid debt.

The Examiner respectfully disagrees. Applicant argues that Shumway, fails to teach the use of non-monetary incentives. However, Shumway was not relied on for the teachings of non-monetary incentives. Shumway teaches a debt collection technique in which creditors contract with debt collectors to collect unpaid debts (column 2, paragraph 0021). Shumway further teaches that the debt collectors can provide monetary incentives such as discount pricing to encourage multiple collections being sent to the debt collector (page 2, paragraph 0022). Land and Siegel teach rewarding an employee with non-monetary incentives as discussed above. The references combine the collection agency rewarding the business as taught by Shumway, with the non-monetary incentives as taught by Land in view of Siegel.

Continuing, the Examiner also notes that the non-monetary incentive teachings of claim 1 are not so specific and thus can be given a broad reasonable interpretation. For example, a non-monetary incentive to the business could be the fact that the collection is outsourced to a collection agency and thus the business can perform other work. There is an incentive to give the collection agency more work so that the business does not have to focus on delinquent accounts. Therefore the collection agency is rewarding the business by providing the unpaid debt so the business does not have to, wherein the reward given to the business from the collection agency includes a non-monetary incentive to forward more unpaid debts. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For these reasons, Applicant's arguments regarding claims 1-10 are not persuasive and thus claims 1-10 stand rejected.

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9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the non-monetary incentive being provided by the business employing the credit officers as taught by Land in view of Siegel to include an incentive provided by the debt collector as taught by Shumway because it still encourages the credit officers to forward more debts to the debt collectors for collection using incentives.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
Stefano Karmis  
18 October 2007

